

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No. 10/086,362

REMARKS

This Amendment, submitted in response to the Office Action dated August 7, 2003, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Claims 1-20 remain pending in the application. Claims 11-20 have been deemed allowable. Claims 1-10 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claim 1 has been rejected under 35 U.S.C. § 102 as being anticipated by JP 2000-206638 (corresponding to U.S. Patent U.S.P. 6,343,787.) Claims 1, 3, and 5 have been rejected under 35 U.S.C. § 102 as being anticipated by U.S.P. 6,343,787. Claims 1-3 and 5 have been rejected under 35 U.S.C. § 102 as being anticipated by Arai (U.S.P. 5,713,504). Applicant has amended claim 1 to obviate the Section 112 rejection. Applicant submits the following arguments for traversing the prior art rejections.

Independent claim 1, as presently amended, includes a control component (e.g. a detector) as suggested by the Examiner, and therefore raises no new issues. The claim further describes an inter-operation of the rollers similar to that set forth in allowable claim 11. Where the functional language was previously not considered by the Examiner, Applicant would submit that all recitations must be considered for patentability purposes even if it not deemed to satisfy all requirements of Section 112. MPEP 2143.03 Therefore, the Examiner may not properly disregard the recitations in prior pending claim 1. As a related matter, Applicant would submit that the Examiner's citation to MPEP 2173.05(g) does not support the Section 112 rejection because MPEP 2173.05(g) permits Applicants to describe the metes and bounds of the invention in terms of functional recitations.

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Additionally, Applicant would submit that the art of record does not teach the features of independent claim 1. Arai, contrary to the Examiner's contention, does not teach two pairs of conveyance rollers. Rather, the rollers (78, 80) cited by the Examiner comprise single rollers. Kato (referring both to U.S.P. 6,343,787 and its corresponding JP document 2000-206638) does not teach the engagement of rollers as claimed relative to release of nipping of a material based on a leading edge. In Kato, any release appears to be based on a trailing edge detection.

Therefore, claim 1 is patentable for at least the above reasons. Claims 2-10 are patentable based on their dependency. Because the Examiner provided no prior art rejection of claims 4 and 6-10, these claims are patentable over the prior art.

With regard to the Examiner's Statement on Reasons for Allowance of claims 11-20, Applicant would submit that the claims are allowable based on the respective recitations described therein rather than on the effect stated by the Examiner.

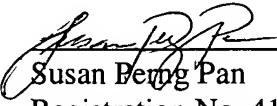
Applicant has added claim 21 to describe an alternative scope of coverage for the invention. Claims 4 and 10 are amended to maintain consistency with amended claim 1.

In view of the above, Applicant submits that claims 1-21 are in condition for allowance. Therefore it is respectfully requested that the subject application be passed to issue at the earliest possible time. The Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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